

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

XINGYU JIANGA

Criminal

No. 04-10128-MLW

**PRETRIAL ORDER**

After an Initial Pretrial Conference held on November 1, 2004, it is hereby ORDERED that:

1. A hearing on any motion to dismiss, suppress, sever, or other issue that must be resolved prior to trial will be held on November 23, 2004, at 9:00 AM and will continue on November 29, 2004, at 9:00 AM if necessary.
2. Trial shall commence on December 6, 2004, at 9:00 AM.
3. The government shall by November 15, 2004,<sup>1</sup> disclose to the defendant:
  - (a) The exculpatory information identified in Local Rule 116.2 that has not been previously produced; and
  - (b) A general description (including the approximate date, time, and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b).
4. Pursuant to the agreement of the parties, statements (as defined in 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f)) of witnesses each party intends to call in its or his case-in- chief shall be produced

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<sup>1</sup>This date will ordinarily be 21 days before trial unless the declination procedure provided by L.R. 116.6 has been invoked before the Initial Pretrial Conference. See L.R. 117.1(A)(4). The judge who will preside at trial may, however, establish a date different from any date provided by L.R. 117.1 if the judge determines that there are factors in the particular case that make it in the interests of justice to do so. See L.R. 117.1(B).

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by November 29, 2004.

5. The parties shall by November 12, 2004 file proposed voir dire questions, proposed jury instructions, any motions in limine with supporting memoranda, and a trial brief.<sup>2</sup> Replies to any motion in limine shall be filed by November 19, 2004.

6. The government shall by November 29, 2004.<sup>3</sup>

(a) Provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness.

(b) Provide the defendant with copies of the exhibits and a pre-marked list of exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the defendant with a copy of the exhibit and a supplemental exhibit list.

7. The defendant shall by December 1, 2004.<sup>4</sup>

(a) Provide the government with the names and addresses of the witnesses the defendant intends to call in his case-in-chief. If the defendant subsequently forms an intent to call any other witness in his case-in-chief, he shall promptly notify the government of the name and address of that witness.

(b) Provide the government with copies of the exhibits and a premarked list of the exhibits the defendant intends to offer in his case-in-chief. If the defendant subsequently decides to offer any additional exhibits in his case-in-chief, he shall promptly provide the government with a copy of the exhibit and a

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<sup>2</sup>The reference to a trial brief should be deleted if it is not appropriate to require that one be filed. See L.R. 117.1(A)(7).

<sup>3</sup>Absent an objection, this date will ordinarily be 7 days before trial. See L.R. 117.1(A)(8). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

<sup>4</sup>Absent an objection, this date will ordinarily be 3 days before trial. See L.R. 117.1(A)(9). However, if either party objects to the pretrial disclosure of its witnesses, the court will decide whether such disclosure should be ordered. Id.

supplemental exhibit list.

8. The parties shall by December 1, 2004, file a written stipulation of any facts that they agree are not in dispute.

9. The Second Pretrial Conference shall be held on December 2, 2004,<sup>5</sup> at 4:00 PM. The defendant shall be present for the pre-trial conference.

10. The following period(s) of time are excluded for Speedy Trial Act purposes, pursuant to 18 U.S.C. § 3161(h), for the reasons stated at the Initial Pretrial Conference:<sup>6</sup> \_\_\_\_\_

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11. Defendant shall, by November 8, 2004, file a written motion to support along with a supporting memorandum of law and affidavit or state whether the oral motion made at the pre-trial conference is withdrawn. The government shall, by November 15, 2004, shall file its response to the motion to suppress. Parties shall, by November 15, 2004, identify all witnesses for the hearing on the motion to suppress, whose attendance will be excused only by way of a motion. Parties shall, by November 12, 2004, file a status report as to whether the case will proceed to trial.

November 2, 2004  
DATE

/s/ Mark L. Wolf  
UNITED STATES DISTRICT COURT

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<sup>5</sup>The Second Pretrial Conference will ordinarily be held not more than 7 days before the trial date. See L.R. 117.1(A)(11).

<sup>6</sup>See L.R. 112.2(B)

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[ kptrlo.]